App. F. IX-4

1934.
(Law)

File No. 20-34

Previous References
Law SY-33-1-2

Serial Nos. 1-2

Later References.
Law Dep 131-34

Preserve

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 20.

Part B for Sept 34

SUBJECT.

Re- Non execution of an indemnity bond on behalf of the Mysore Govt. in respect of the claim & the amount at credit in the S.B. account of late Mr. V. Rajagopala Murthy, Excise Asst. Insp.r Sreenivasapur

2) To Mr D.C. Kolar

P 1206 dt 3-9-34

WD 01965—GPB—15,000—7-7-34

Forwarded a Copy of the Govt. Advocate's opinion on the matter, & requests that further action may be taken accordingly.

M. Abdul Aziz
17. IX. 34.

In all future correspondence please quote this
No. J1-P.R.39/34-35.
Encls. TWO.

OFFICE OF THE DEPUTY COMMISSIONER, KOLAR DISTRICT.

Dated, Kolar, the 30th July *1934.*

FROM

T. G. RAMA IYER, ESQ., B.A.,
Deputy Commissioner, & District Magistrate,
Kolar District.

31 JULY 1934

S.Abdul Wajid.,Esq.,B.A.,
SECRETARY TO GOVERNMENT OF MYSORE,
General *Department,*
Bangalore.

SIR,

Subject:- Claim in respect of the Escheated Properties of late Mr.V.Rajagopala Modaliar, Excise Assistant Inspector, Srinivasapur.

===

With reference to the Government Order No.P.2334-36/Law.57-33-2 dated 20/21st November 1933 escheating the unclaimed properties of th deceased, to the Durbar, I have the honour to forward herewith copy letter No.E.7 dated 23-7-34 from the Superintendent of Post Offices, Bangalore Division intimating that the amount at credit in the Saving Bank Account will be paid on my executing an indemnity bond in the f enclosed, to the effect that the amount will be refunded, should it subsequently be claimed by any heir of the deceased. As the amount i claimed by escheat to the Mysore Government from a Savings Bank in pursuance of the sovereign rights of a local Government, the executio an indemnity bond on behalf of the Mysore Government seems out of pla

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner and
District Magistrate,
Kolar District.

A.R.30734.

1) Execution of an indemnity bond on behalf by the D.C. Kol seems unnecessary. A Copy of the G.O. escheating the propert to the Durbar may perhaps be forwarded sent.

Serial No.

2) I think that since we claim the deposit in the Post office S. Bank by escheat, an indemnity bond ~~de~~ ~~bo~~ is necessary before they can be asked to pay the amount. This is only to protect the Post office in case any claims arise hereafter. The form of the bond may of course be much simpler - forwarded with compliments to the Govt advocate for favour of his views in the matter.

D.O. No. P 19934 dated 1/8/1934

Secy 92/34-35 dt 1.8.1934

D Sreerama Rao
1/8/34

Rec. No. 124/34-35 dt 11.8.34

Returned with compliments.

3) I do not find a copy of the Post Office Savings Bank Rules in the file. A copy of the same may therefore be kindly put up and the file re-transmitted to me.

D Ramaswamy Iyer
Government Advocate.

CSN/11.8.34

xx 11/8

4) S.D. Section for favour of putting up Postal guide for ref^ce

ISD 13/8

5) Copy with me is put up 13/8/34

NOTE—Contn. Sheet.

File No. of 193 | General and Revenue Secretariat

6) Retransmitted with Compliments to the Post Advocate with a copy of the postal guide required

B.O.

G.O.N.P. 1834

Dd. 1146/34-35
Dt. 14.8.34

Dr. Govt Secy

Returned with compliments.

Rule 37 (page 141 of the Post and Telegraph Guide) which prescribes the procedure to be followed in such cases does not require an Indemnity Bond.

The Postal authorities want one, apparently, to safeguard their rights in case any claim is put forward later.

As the amount claimed is very small, they may not insist on having an Indemnity Bond if a copy of the Government Order is sent and they may be satisfied with a formal letter that Government would refund the amount if any lawful heir should claim it later.

There would, however, be no harm in executing an Indemnity Bond if the Postal authorities insist on having it.

Government Advocate.

BSN/25.8.34

8) Draft reply accordingly

General and Revenue Secretariat

Laws File No.

Serial No.

TYPING SECTION
31 AUG. 1934
& REV SECTT.

To

The D.C. Kolar

no. S. 1206 d. 3.9.34 forwarding a/c of ... re fgn. adv. opinion in the matter and instructing him to take action accordingly

NOTE—Contn. Sheet.

WD 0955—GPE—22,500—12-6-34

Letter No.E/7 dated 23rd July 1934, from the Superintendent of Post Offices, Bangalore Division, Bangalore, to the Deputy Commissioner,Kolar District.

===

Claim in respect of the Escheated Properties of late Mr.V.Rajagopal-Mudaliar.

===

Adverting to your letter No.J2-C.140/33-34, dated the 7-2-1934, I am directed by the Post Master General, Madras to inform you that the balance at credit in the Savings Bank account No.137076 standing in the name of late Mr.V.Rajagopal Mudaliar, will be paid to you on your - executing an indemnity bond to the effect that the amount will be refunded to the Department, should it subsequently be claimed by any heir of the deceased. Kindly let me know whether you are willing to furnish an - indemnity bond in the form enclosed. An early reply is requested.

=====

" C O P Y "

Deputy Commissioner and
District Magistrate,
Kolar District.

A.R.30734.

S. B.-25.
Old P. M. G.-5

BOND OF INDEMNITY

(To be executed by heirs of deceased Savings Bank Depositors.)

KNOW all men by these presents that we (*a*) (*a*)—*Principal.*

and (*b*) (*b*)—*Surety.*

and (c) (c)—*Surety*

are held and firmly bound unto the Secretary of State for India in Council in the sum of Rupees of lawful money of British India to be paid to the said Secretary of State in Council, his certain attorney, successors or assigns for which payment well and truly to be made we bind ourselves, our heirs, executors, administrators and representatives jointly and every two of us bind ourselves, our heirs, executors, administrators and representatives jointly and each of us bind himself, his heirs, executors, administrators and representatives severally firmly by these presents sealed with our respective seals dated this day of in the Christian year one-thousand-nine-hundred-and

Whereas the above bounden (*a*)

hath caused to be represented to the said Secretary of State in Council that he is*

*Here state relationship.

to

of

deceased who died on the day of

leaving a deposit of Rs. in the Post Office Savings Bank at and whereas the said (*a*) having applied to the Postmaster-General of for the payment to him as such as aforesaid of the amount so standing to the credit of the said

deceased with the Post Office Savings Bank at as aforesaid the Governor-General of India in Council for and on behalf of the said Secretary of State in Council on the aforesaid representation of the

acceded to

he said application on condition of the said (*a*)

nd two sufficient sureties executing such bond as above written and the said

b) and (*c*)

ave accordingly as such sureties agreed to execute the said bond with such condi-

ion as hereunder is written. Now the condition of the above written bond is such

hat if the above bounden (*a*)

is heirs, executors, administrators and representatives do and shall when required

o to do repay to the said Secretary of State in Council, his successors or assigns

he amount so paid to the said (*a*)

ogether with all costs as between Attorney and Client and all charges, losses,

lamages and expenses that shall or may have been incurred by or occasioned to

he said Secretary of State in Council, his successors or assigns or any of the

ervants of the Government by reason of or consequent upon the payment to the

aid (*a*) of the amount so standing to the credit of the

said deceased with the Post

Office Savings Bank at and further if

the said (*a*) and (*b*)

and (*c*) their heirs, executors, administrators and representatives,

shall and do from time to time and at all times hereafter well and sufficiently

save, defend keep harmless and indemnified the said Secretary of State in Coun-

cil, his successors and assigns and the officers and servants of the Government

and each and every of them of from and against all and all manner of action and

actions suit and suits and other legal proceedings, costs, charges, damages and

expenses whatsoever which shall or may at any time or times hereafter

be brought, commenced or sued by any person or body corporate whomsoever or

whatsoever against or happen or be occasioned to the said Secretary of State

in Council his successors or assigns or any of the officers or servants of the Govern-

ment for or on account or in respect or by reason of the amount so standing to

the credit of the said deceased with

the Post Office Savings Bank at having been

paid to the said (*a*) then the above written bond shall be

void and of no effect otherwise the same shall be and remain in full force

and virtue provided always and it is hereby expressly declared and agreed by the said (*a*) and (*b*) and (*c*) with and to the said Secretary of State in Council, his successors and assigns that in the defence and prosecution of any action suit or other legal proceedings referred to in the foregoing clause for indemnity or maintained in virtue thereof the Secretary of State in Council, his successors or assigns shall not be responsible or accountable to the said (*a*) and (*b*) and (*c*) or any or either of them their or any or either of their heirs, executors, administrators and representatives for any act, omission or mistake in the defence or prosecution of such action suit or other legal proceeding and that in the defence or prosecution of such action suit or other legal proceeding the said Secretary of State in Council, his successors or assigns and his and their officers and servants shall be required to do such acts and take such steps only, as shall in be approved and advised by Advocate General / Legal Remembrancer or the person executing th that office for the time being.

Signed, sealed and delivered by the above-named (*a*) *in the presence of*

(Two witnesses to sign here.)

Signed, sealed and delivered by the above-named (*b*) *in the presence of*

(Two witnesses to sign here.)

Signed, sealed and delivered by the above-named (*c*) *in the presence of*

(Two witnesses to sign here.)

Karim Bux Bros., Printers, Calcutta—1108 (A-706)—28-11-32.—

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P-1206/Exc

Bangalore, Dated ~~1st September~~ 3 1934

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Deputy Commissioner,

Kolar District.

Sir,

With reference to your letter No. J.1-P.E.39/34-35 dated 30th July 1934 re: the execution of an indemnity bond on behalf of the Mysore Government in respect of the claim to the amount at credit in the Savings Bank account of late Mr. V. Rajagopala Modaliar, Excise Assistant Inspector, Srinivasapur, I am directed to forward herewith a copy of the Government Advocate's opinion in the matter, and to request that further action may kindly be taken accordingly.

I have the honour to be,
Sir,
Your most obedient servant,

pm

For General Secretary to Government.

TSD

Appendix F G—1]

SUBJECT

.....

Section [illegible]

File No. 20 - 34

Serial No. 2

ry No. of letter replied to ....

No. P 1206/Gen/

To

The DC Kolar

General and Revenue Secretariat

( )

the 193 .

Sir,

of issue .. 27/9/34

With reference to your

letter no. gi-P.R. 39/34-35 dated 30th July 34

d by Sri N.K.J Rao

re: the execution of an indemnity

bond on behalf of the Mysore Govt

in respect of the claim to the amount

amount at credit in the Savings

Bank account of late Mr. V. Rajagopala

Modaliar Excise Asst. on account

Srinivasapur. I am directed

List of enclosures .....

to forward herewith a Copy of

the Govt. Adv's opinion in the

Copied by .....

matter and to request that further

action may kindly be taken accordingly

Examined by.....

I have etc

WD 01966—GPB—08,500—12-6-34

for Secretary